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Atty Dkt No.: IFT-5657-CIP - 1 -
(1417Y P 606)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As named inventors, **Jane Werling, James E. Kipp, Rajaram Sriram, and Mark J. Doty**, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "**METHOD FOR PREPARING SUBMICRON SUSPENSIONS WITH POLYMORPH CONTROL**", was filed on October 19, 2001 as United States Application Number 10/035,821. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Declaration the filing date and Serial Number thereof in the places provided therefor.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed:

Prior Foreign Application(s)	Country	Day/Month/Year Filed	Priority Claimed
<u>NONE</u>			<u>Yes</u> <u>No</u>

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>60/258,160</u>	<u>December 22, 2000</u>
Application Number	Filing Date

We hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

<u>09/874,637</u>	<u>June 5, 2001</u>	<u>Pending</u>
Application Number	Filing Date	Status
<u>09/953,979</u>	<u>September 17, 2001</u>	<u>Pending</u>
Application Number	Filing Date	Status

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

Francis C.M. Kowalik	- 34,646	Daniel N. Christus	- 29,626	Edward L. Bishop	- 39,110
Mark J. Buonaiuto	-31,593	Linda A. Kuczma	- 30,861	James P. Muraff	- 39,785
Joseph J. Barrett	-34,769	Roger H. Stein	- 31,882	Judie D. Dziezak	- 40,599
Janice Guthrie	-35,170	Thomas K. Stine	- 32,310	Austin J. Foley	- 42,543
Charles R. Mattenson	-30,660	Micheal D. Lake	- 33,727	Matthew J. Gryzlo	- 43,648
Paula J Kelly	-37,624	Joseph A. Fuchs	- 34,604	Peter M. Klobuchar	- 43,722
Jeffrey C. Nichols	-36,879	Robert W. Diehl	- 35,118	Brent A. Hawkins	- 44,146
Bradford R.L. Price	-29,101	Bradley F. Rademaker	- 35,331	William J. Lenz	- 44,208
		Richard C. Himelhoch	- 35,544	Christoper S. Clancy	- 44,618
		Monique A. Morneault	- 37,893	Joseph M. Kinsella Jr.	- 45,743
		Jeffrey R Gargano	- 38,148	Stephen R. Auten	-47,396
		Paul J. Nykaza	- 38,984		

Send correspondence and direct telephone calls to:

MARK J. BUONAIUTO, ESQ.
ASSISTANT GENERAL COUNSEL
BAXTER INTERNATIONAL INC.
LAW DEPARTMENT
ONE BAXTER PARKWAY, DF2-2E
DEERFIELD, ILLINOIS 60015
847/948.2000 (Phone)

We hereby declare all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Full Name of First Joint Inventor: **Jane Werling**

Residential Street Address: **605 South Highland Avenue**

City and State/Province: **Arlington Heights, Illinois**

Country and Zip/Postal Code: **U.S.A. 60005**

Citizenship: **U.S.A.**

Mailing Address: **Same as above.**

Inventor's Signature: *Jane Werling*

Date: *1/11/02*

Full Name of Second Joint Inventor: **James E. Kipp**

Residential Street Address: **609 Hermosa Avenue**

City and State/Province: **Wauconda, Illinois**

Country and Zip/Postal Code: **U.S.A. 60084**

Citizenship: **U.S.A.**

Mailing Address: **Same as above.**

Inventor's Signature: *James E. Kipp*

Date: *1/11/02*

Full Name of Third Joint Inventor: **Rajaram Sriram**

Residential Street Address: **3014 K NOLLWOOD LN**

City and State/Province: **GLENVIEW, IL**

Country and Zip/Postal Code: **USA 60025**

Citizenship: **USA**

Mailing Address: **Same as above**

Inventor's Signature: *Rajaram*

Date: *1/11/02*

Full Name of Fourth Joint Inventor: **Mark J. Doty**

Residential Street Address: **610 Kenilworth Street**

City and State/Province: **Grayslake, Illinois**

Country and Zip/Postal Code: **U.S.A. 60030**

Citizenship: **U.S.A.**

Mailing Address: **Same as above.**

Inventor's Signature: *Mark J. Doty*

Date: *1/11/02*

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